IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 2717 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

STATE OF GUJARAT

Versus

YONANATHBHAI PAHADSING RAJVADI

Appearance:

1. First Appeal No. 2717 of 2003

MR DEEPEN DESAI ASSTT GOVT PLEADER for Petitioner No. 1-2

MR JOY MATHEW for Respondent No. 1

NOTICE SERVED for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE M.C.PATEL

Date of decision: 10/03/2004

ORAL JUDGEMENT

This appeal by the State Government is directed against the judgment and decree dated 31st July, 2001

passed by the learned Civil Judge [S.D.], Bharuch in Special Civil Suit No.253 / 1998 filed by the respondent for recovery of Rs.50,000/- from the appellant. In the suit, claim was for Rs.50,000/- and the suit was decreed in favour of the respondent. In view of Section 26 of the Bombay Civil Courts Act, as it stood at the date of judgment, the appeal would lie to the High Court only if the amount or value of the subject matter exceeded Rs.50,000/-. Since in the present case, the amount or value of the subject matter did not exceed Rs.50,000/-, the appeal would not lie to this Court but to the District Court. The Memo of Appeal along with all the relevant documents is therefore ordered to be returned to the appellant for presentation in the appropriate Court.

Civil Application No.10570 / 2003 does not survive and the same is, accordingly, disposed of. Rule discharged.

No order as to costs.

Date : 10.3.2004 [M.C.Patel, J.]

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